

JASON M. FRIERSON  
United States Attorney  
Nevada Bar No. 7709  
KIMBERLY M. FRAYN  
Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101  
Tel: 702.388.6336/ Fax: 702.388.6418  
[Kimberly.Frayn@usdoj.gov](mailto:Kimberly.Frayn@usdoj.gov)  
*Attorneys for the United States*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY CHEN,  
a.k.a "Xue Jie Chen,"

Defendant.

Case No. 2:23-mj-00420-MDC

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and File  
Indictment**  
(Fifth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Esq., Assistant Federal Public Defenders, counsel for Defendant Johnny Chen, also known as Xue Jie Chen, that the Court vacate the Preliminary Hearing schedule for September 19, 2024, and continue it for 180 days. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Defendant and defense counsel need additional time to receive and review  
3 discovery, conduct any necessary follow up investigation, and engage in pretrial motion  
4 practice, if warranted, before the Preliminary Hearing. Also, the parties are continuing to  
5 communicate to see if this matter can be resolved pre-indictment by plea negotiation. On or  
6 about August 1, 2024, defense counsel and the defendant met with government counsel and  
7 HSI case agents for the third time to review evidence against the defendant and his  
8 coconspirators in furtherance of plea negotiations. If an agreement can be negotiated, the  
9 preliminary hearing could be vacated to conserve judicial resources once a change of plea  
10 hearing is held.

11 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
12 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
13 appearance if the defendant is in custody . . . .”

14 3. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
15 showing of good cause—taking into account the public interest in the prompt disposition of  
16 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
17 times . . . .”

18 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
19 information or indictment charging an individual with the commission of an offense shall be  
20 filed within thirty days from the date on which such individual was arrested or served with a  
21 summons in connection with such charges.”

22 5. Defendant needs additional time to investigate potential defenses to make an  
23 informed decision as to how to proceed.  
24

1           6.       Accordingly, the parties jointly request that the Court schedule the  
2 preliminary hearing in this case no sooner than 180 days from the current hearing date,  
3 September 19, 2024.

4           7.       Defendant is not in custody and agrees to the extension of the 14-day deadline  
5 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
6 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
7 pursuant to this stipulation.

8           8.       The parties agree to the extension of that deadline.

9           9.       Accordingly, the additional time requested by this stipulation is allowed  
10 under Federal Rule of Criminal Procedure 5.1(d).

11          10.      In addition, the parties stipulate and agree that the time between today and  
12 the preliminary hearing is excludable in computing the time within which the defendant  
13 must be indicted, and the trial herein must commence pursuant to the Speedy Trial Act,  
14 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i)  
15 and (iv).

16       / / /

17       / / /

18       / / /

19       / / /

20       / / /

1           11.     This is the fifth request for an extension of the deadlines by which to conduct  
2 the preliminary hearing and to file an indictment.

3           DATED this 19th day of August, 2024.

4                               Respectfully Submitted,

5                               JASON M. FRIERSON  
6                               United States Attorney

7                               /s/ Kimberly M. Frayn  
8                               KIMBERLY M. FRAYN  
9                               Assistant United States Attorney

10                              RENE L. VALLADARES  
11                              Federal Public Defender

12                              /s/ Brian Pugh  
13                              BRIAN PUGH  
14                              Assistant Federal Public Defender  
15                              Counsel for Defendant CHEN  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY CHEN,

a.k.a "Xue Jie Chen,"

Defendant.

Case No. 2:23-mj-00420-MDC

**[Proposed] Order on Stipulation to  
Extend Deadlines to Conduct Preliminary  
Hearing and File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 19, 2024, be vacated and continued to \_\_\_\_\_, 2024, at the hour of \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

HONORABLE MAXIMILIANO D. COUVILLIER, III  
UNITED STATES MAGISTRATE JUDGE